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GOVERNMENT OF INDIA
MINISTRY OF LAW

New Delhi, the 19th July, 1949

ORDINANCE No. XVI of 1949

AN

ORDINANCE

to provide for the removal from one unit to another unit of persons subjected to preventive detention for reasons connected with the maintenance of public order

WHEREAS, an emergency has arisen which makes it necessary to provide for the removal from one unit to another unit of persons subjected to preventive detention for reasons connected with the maintenance of public order,

NOW THEREFORE in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (28 Geo. 5 c. 2) the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Transfer of Detained Persons Ordinance, 1949.

(2) It extends to all the Provinces of India, and also to every Accessory State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Ordinance.

(3) It shall come into force at once.

2. Removal of detained persons from one unit to another.—(1) Where any person is subjected to preventive detention for reasons connected with the maintenance of public order in any Province under a law for the time being in force in that Province, the Government of that Province may, with the consent of the Government of any other Province, provide by order for the removal of such person to any place of detention in that other Province, and the person so removed shall be detained in that other Province in accordance with the provisions of the order.

(2) Notwithstanding the removal of any person from one Province to another Province under this section, the provisions of the law under which his preventive detention was ordered and regulated in the first Province shall, so far as applicable and subject to the necessary modifications, continue to apply to him as if he had not been removed from that Province.

(3) In this section "Province" includes any Acceding State to which this Act extends.

C. RAJAGOPALACHARI,

Governor-General.

K. V. K. SUNDARAM,

Secretary.